

SHOREVIEW PLANNING COMMISSION MEETING MINUTES

August 26, 2008

CALL TO ORDER

Acting Chair Proud called the meeting of the August 26, 2008 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Acting Chair Proud, Commissioners Ferrington, Schumer, Solomonson and Wenner

Chair Feldsien and Commissioner Mons were absent.

OLD BUSINESS

WIRELESS TELECOMMUNICATIONS FACILITY PERMIT/REZONING

FILE NO.: 2327-08-24
APPLICANT: T-MOBILE
LOCATION: 4344 HODGSON ROAD (SITZER PARK)

City Attorney Schmidt stated that she has reviewed the affidavit and notice of public hearing, which are in order.

Presentation by Senior Planner Rob Warwick

The Commission reviewed this application submitted by T-Mobile at its last meeting. The public hearing was held. The matter was tabled requesting further information on rezoning, tower height and co-location requirements of the City Code. The proposal is to replace an existing 50-foot light pole at the hockey rink in Sitzer Park with a 75-foot brown monopole. The lights would be reattached at the existing height. An equipment pad for ground equipment of 7 feet by 12 feet would be at the bottom of the pole with a height of approximately 6 feet. The antennas will be shrouded.

FCC regulations require cities to reasonably accommodate wireless telecommunications. Parks have been determined to be suitable locations because of separation from residential areas and vegetative screening. There are two zoning districts for towers based on allowed height--TOD-1, a maximum of 60 feet and TOD-2, a maximum of 75 feet.

Commissioners had expressed concern about the rezoning and any precedent it may set for other parks. Staff recommends approval include findings based on the review criteria. By adhering to review criteria, individual proposals can be distinctly evaluated. The City Attorney has indicated

that there is no cause for concern about setting a precedent.

The City Code strongly encourages co-location on towers. A 60-foot tower that would serve both for rink lighting and WTF would be unsuitable for multiple users because there needs to be a 10-foot separation between antennas. A second user would displace the lights or be mounted too low to provide coverage. Staff believes that the lesser impact will be achieved with a 75-foot monopole using stealth or shrouded antennae, which would limit use to a single user. A second user would also need a 7 x 12 foot pad for equipment. Multiple cabinets of equipment could impact park use, and there is limited space available. Cabinets in separate locations from the tower may require larger cables and affect the diameter of the monopole.

City Code allows one tower per parcel unless the City determines that site features would accommodate a second tower. In this case, a second monopole could be located at the north end of the hockey rink. The City owns the property and will be able to control the site.

Notices were sent to property owners within 350 feet. Five written comments were received. One concern was expressed about service by other cell providers. The Park and Recreation Director has reviewed the proposal and recommends approval.

Staff recommends approval of a 75-foot monopole, which will provide better coverage. Location in a park provides separation from nearby land uses, and existing mature trees will minimize visual impact.

Commissioner Ferrington commended staff for the added information and photographs of monopoles in other cities that helped to address her concerns. She also appreciates the positive comments received from area residents. If another provider needs to come in, she appreciates knowing that a location at the other end of the hockey rink could be considered.

Commissioner Solomonson stated that he continues to have concerns about co-location opportunity and would like more explanation why the monopole should be 75 feet instead of the 60 feet currently allowed. Also, did resident comments indicate they would prefer another provider have this location for improved reception? Mr. Warwick stated that each provider builds their own network. As the network has heavier use, coverage weakens and more towers are needed. There have been inquiries in other parts of the City, but no other applications have been received.

Mr. Paul Harrington, T-Mobile, noted that one comment received indicated that they would like to see the same opportunity offered to Verizon if this application goes through. That is when staff identified the northern end of the hockey rink as another possible location. Each provider has different types and sizes of equipment. Some require equipment to be housed in a structure.

Acting Chair Proud asked if there is technology on the horizon that would reduce the 10-foot separation of antennae. **Mr. Harrington** stated that he would anticipate that capability in the

near future.

Acting Chair Proud asked how cooperation is achieved if more than one provider applies to locate on the same site. **Mr. Harrington** explained that all major providers have master lease agreements to address co-location. Negotiations have already occurred for that cooperation.

Acting Chair Proud opened the discussion to public comment. There were no comments or questions.

Commissioner Wenner stated that the questions he had from the last meeting have been answered by staff and the provider. He commended them for the thorough information presented.

Commissioner Solomonson stated that he cannot support the request because he is concerned about putting towers in parks. He feels strongly about keeping the height at a minimum of 60 feet.

Commissioner Schumer stated that the issues raised at the last meeting have been addressed. He does not believe the City cannot allow T-Mobile and holding out other providers. The City is required to provide accommodation, and there is space for another pole at the other end of the hockey rink.

Acting Chair Proud stated that he does not believe a lower height would be adequate. He has seen cooperation among providers and technology will continue to change. This is the better location for a 75-foot tower.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to recommend the City Council approve the Rezoning and Wireless Telecommunications Facility Permit applications for T-Mobile at Sitzer Park, 4344 Hodgson Road, subject to the following conditions:

Rezoning

ROLL CALL: Ayes - 4 Nays - 1 (Solomonson)

NEW BUSINESS

VARIANCE

FILE NO.: 2329-08-26

APPLICANT: DUANE BARNES, SR.

LOCATION: 3869 VICTORIA STREET NORTH

Presentation by Senior Planner Rob Warwick

This application is to enlarge a deck and add a roof to the deck. The existing deck is located 24 feet from the Ordinary High Water (OHW) of Island Lake, which is less than the minimum requirement of 60 feet. Therefore, this application requires a variance for the setback reduction.

The property consists of two parcels and will be combined for a single lot. The buildable area is constrained due to the lot configuration relative to the OHW. The proposal is to remove a stairway on the south side and replace it with a 6-foot walkway to the front. The expanded deck would be 23 feet from the OHW. The deck would have a roof to create an unenclosed porch along the rear south side. The roof will have a 2-foot overhang. The project includes a 5' x 7' stoop over the front entry, which is a permitted encroachment.

The proposal is in compliance with development requirements with the exception of the OHW setback. The adjacent property has a 70-foot OHW setback which calculates to a required 60-foot setback for the subject property.

The applicant has identified the configuration and shape of the lot as hardship. The house was built prior to the City's Shoreland Regulations, which limits normal use of the house. The applicant has identified architectural mass as one shoreland mitigation measure for the project. A second mitigation practice must be identified prior to the issuance of a building permit.

Property owners within 350 feet were notified. No comments were received.

Staff concurs with the applicant and is recommending approval with the conditions listed in the staff report.

Commissioner Wenner noted that the applicant has had reasonable use of the deck, as it was on the house at the time of purchase. His concern is that with a roof it may lead to enclosing the deck and turned into living space. Mr. Warwick stated that a second variance would be required for enclosure.

Acting Chair Proud asked if there is a flat roof associated with this project. **Mr. John Drucker**, Project Architect, stated that the roof will be extended to the west. The ridge will run north/south. The roof will be peaks and hips. No portion is a flat roof.

Commissioner Wenner stated that he has a hard time justifying hardship because there is reasonable use of the property and deck. **Mr. Drucker** stated that the purpose of the roof is to shelter from wind that come across the lake and snow packs on that side of the house. Up to 5 or 6 feet of snow piles up and is becoming a rotting problem. The roof is to mitigate this situation and to maintain the house.

Commissioner Ferrington stated that one consideration for her is that this is an elderly gentleman

who would like to remove a stairway and have a more level access to the deck. It is important for seniors to be able to modify their homes to be able to continue living in them.

MOTION: by Commissioner Solomonson, seconded by Commissioner Ferrington to adopt Resolution 08-59 approving the variance request to reduce the 60-foot minimum required setback from the OHW of Island Lake for proposed alterations at 3869 Victoria Street, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. The applicant shall combine the two individual parcels into a single parcel with Ramsey County prior to issuance of a building permit for the project.
5. After combining the two parcels, the project will be eligible for administrative review and approval of the Residential Design Review application required for this project.
6. An erosion control plan shall be submitted with the building permit application and implemented during construction.
7. A second Shoreland Mitigation practice shall be identified. The approved mitigation practices must be implemented within one year. A mitigation affidavit is required.

The approval is based on the following findings:

1. The location of the existing residence relative to the OHW limits the potential area for alterations and improvements to the house located on this property. A covered porch and walkway represent a reasonable use of the property.
2. The existing residence on the subject property is unique due to its location relative to the shoreline of Island Lake and was not created by the homeowner.
3. The proposal will not alter the character of the neighborhood, since other houses on the north basin of Island Lake are located with similar setbacks from the OHW.

ROLL CALL: Ayes - 3 Nays - 2 (Schumer, Wenner)

Mr. Warwick stated that a majority of the Commission membership--4 votes--is required to approve this matter.

Acting Chair Proud requested staff to advise the applicant of the appeal process.

VARIANCE/RESIDENTIAL DESIGN REVIEW

FILE NO.: 2330-08-27
APPLICANT: HUSNIK HOMES, INC./JIM AND TRACY LUBRATT
LOCATION: 4240 REILAND LANE

Presentation by City Planner Kathleen Nordine

The application is for a proposed addition for added living space and garage storage space. The property is a substandard riparian lot. Two variances are requested: 1) increase the maximum foundation area from 18% to 18.7%; and 2) increase the minimum impervious surface coverage permitted from 30% to 30.4%.

The applicants purchased the property and built the existing home in 2000. The existing home has a foundation area of 2,762 square feet, including the garage. The expansion would be 248 square feet for an additional bedroom and bath on the south side of the house with a minimum side setback of 10 feet. Also, a 133 square foot addition would be put on the garage. Both additions would increase the foundation area to 3,142.9 square feet. The project includes a deck and enclosing an open area under the existing screened porch. Current impervious surface is at 35.25%. With this project an existing patio and extra driveway area will be removed to reduce the impervious coverage to 30.4%.

The applicant states that the hardship is the unique circumstances of the home design and family needs. Since building the house, the applicants now have three children and another bedroom is needed. The added garage space is to store trailers. Proposed mitigation would be to incorporate innovative storm water management techniques into the project and architectural mass.

Staff does not believe hardship is present. Need is based on personal reasons not constraints of the property. An addition of 262 square feet could be done and be in compliance with the City's Development Code requirements. Impervious surface could be further reduced to comply with the requirement of 30%.

Commissioner Schumer asked if a permit was issued for the expanded driveway. Ms. Nordine answered, no. The current driveway does not match the plans that were approved in 2000. A corner encroaches into a county park boundary. Commissioner Schumer noted that there would not be a question of impervious surface if the unapproved portion of the driveway had not been added.

Commissioner Solomonson asked if the impervious surface would be remove if this application is denied. Ms. Nordine explained that the City there are enforcement actions that could be taken.

Commissioner Solomonson asked if other homes on Reiland Lane exceed the 18% impervious surface requirement. Ms. Nordine stated that she found one or two on smaller lots in the immediate area that do. Commissioner Solomonson noted that by approving the application, impervious surface would be reduced.

Commissioner Wenner stated that he would not want to set a precedent that would encourage similar de facto approval.

Mr. Paul Husnik, Husnik Homes, stated that there is hardship with the increased size of the family. He stated that there are a number of things that could be done to further reduce impervious surface with pervious asphalt or pavers.

Acting Chair Proud responded that the Commission has to consider the proposal as it has been submitted.

Commissioner Ferrington noted that pavers are considered impervious. **Mr. Husnik** responded that there are now pavers on the market that allow drainage space in between them. The applicants are willing to put in a rain garden or a cistern system for gutters to mitigate the lakeshore. Commissioner Solomonson stated that he would be inclined to approve the application, except for the impervious surface issue.

Mr. Lubratt, Applicant, stated that there is hardship with the unusual shape of the property. When the property was purchased, they went through a process with the county to amend the legal description due to the receding lake and added dry land. This added dry land is not able to be used as part of the impervious surface calculation. If it were, the addition would be under the 18% requirement. The added bedroom is for the children to have equal sized bedrooms in the same area of the house rather than separating them. The driveway addition is for maneuvering trailers. At the time the house was built, the impervious surface limit was 25%. A boathouse had been removed and he knew he had some leeway to add some driveway. It was not surveyed. He apologized for not pulling a permit. He wants to work with the requirements of the City. He would be willing to make revisions to be in compliance.

Commissioner Solomonson stated that the key for him is to comply with the impervious surface requirements.

MOTION: by Commissioner Solomonson, seconded by Commissioner Ferrington to table this matter to the September 23, 2008 Planning Commission meeting.

ROLL CALL: Ayes - 5 Nays - 0

MINOR SUBDIVISION

FILE NO.: 2328-08025
APPLICATION: ROYAL OAKS REALTY, INC. MARCEL EIBENSTEINER
LOCATION: 600 TANGLEWOOD DRIVE

Presentation by City Planner Kathleen Nordine

This application is to divide the property into two lots. The existing house, garage and driveway will be removed. The two new parcels will be developed with two new single-family homes. The property is zone R1 Detached Residential and both parcels meet the minimum standards of the code requirements. The lot lines along Laura Lane will become the front lot lines. Sewer and water services from the existing home must be temporarily capped during demolition. City water would need to be extended along Laura Lane to Parcel B.

Notices were sent to property owners within 350 feet of this property. No comments were received. Staff is recommending that the Commission forward the application to the City Council for approval.

Commissioner Solomonson noted that he is an adjacent property owner. He asked the reason for the varying widths along Tanglewood and whether added right-of-way will be needed in the future. Mr. Maloney explained that Tanglewood used to be a county road and varying widths of right-of-way were requested at different times. He does not see a need for additional right-of-way in the future.

Acting Chair Proud noted that the subject property has excessive vegetative growth that he would like to see mowed. He asked if it would be appropriate to attach this condition to approval. Ms. Nordine stated that it would not be appropriate as a condition, but there is an abatement process that can be used.

Acting Chair Proud opened the discussion to public comment.

Mr. Marcel Eibensteiner, Applicant, apologized for the long grass. He forgot about it and will get it taken care of.

MOTION: by Commissioner Wenner, seconded by Commissioner Solomonson, to recommend the City Council approve the Minor Subdivision request to subdivide the property at 600 Tanglewood Drive into two parcels, subject to the 10 enumerated conditions.

ROLL CALL: Ayes - 5 Nays - 0

PUBLIC HEARING - 2008 COMPREHENSIVE PLAN

FILE NO.: 2331-08-28
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by City Planner Kathleen Nordine

The current Comprehensive Plan was adopted in 2000. By state law, the Plan must be updated every 10 years. The Metropolitan Council is requiring that the new Plan be completed by December 31, 2008. Staff is recommending that the public hearing be opened and held over to the September 23, 2008 Planning Commission meeting. This will give the public one month for comment. The Plan is available at City Hall for checkout. It is online on the City website. It can also be put on a CD upon request. Once the City Council adopts the Plan, it is submitted to the Metropolitan Council for final approval.

The Comprehensive Plan is a long-range planning document that extends to the year 2030. It serves as a policy guide for decisions regarding future development in the community and addresses a variety of issues, such as land use, transportation, and economic development. The draft plan was completed in June 2008, and there was a public informational meeting.

Common themes identified in the Plan are:

- Shoreview is an aging community--the population, housing stock and infrastructure is older;
- Community development deals with land use, transportation, parks and open space
- Environmental management--ways to preserve natural features valued by the Community.

As the community is aging, the household is also getting smaller. By 2030, population is expected to be approximately 29,000 with 11,300 households and employment in Shoreview at 16,800. The implications are to adapt services to meet the need of older families and find ways to attract younger families. Financial resources needed to carry out services and programs are discussed.

Local housing issues include: 1) an aging housing stock and the need for updating and maintenance; 2) opportunities for life-cycle for seniors and affordable housing for younger families; 3) market trends and how it affects the community; 4) limited opportunity for new development, as Shoreview is almost fully developed; and 5) infill or redevelopment in older

areas. The policy direction of housing encourages maintenance and reinvestment.

Park facilities are older and a needs assessment was done to identify changing needs of the population. Areas without parks are identified as Candidate Park Areas, so that any future development or redevelopment would consider a park in that location. Also areas lacking trails were identified to increase connectivity throughout the community. The policy direction in the Plan is to provide facilities that meet the community's changing needs, balances needs and is accessible.

With regional population growth, there are increased transportation needs. Shoreview is dependent on the regional freeway system--I-694 and I-35W. There are also the major county roads of Highways 96 and 49. There is limited transit opportunity. The City streets are approaching 30 years of age and need routine work to be maintained. As policy, the City supports a multi-modal transportation, including transit and the importance of pedestrian and bicycle facilities.

Less than 2% of land remains available for development. This fact presents obstacles for commercial and industrial expansion and residential development to meet the needs of a changing population. The Plan identifies 18 Policy Development Areas (PDAs) that may present opportunities for development or redevelopment. Among them are Town Center, Shoreview Commons, Ramsey County Maintenance Center facility and Shoreview Park Road Industrial area.

Local issues pertaining to economic development include business retention and expansion, maintaining the employment and tax base, and redevelopment opportunities. City policy supports business retention and expansion to foster growth of the employment base and also seeks redevelopment opportunities that better meet the needs and demands of the community for specific services.

Environmental management includes surface water management. The City has adopted a Surface Water Management Plan to which the Comprehensive Plan refers. Management of natural resources are to be protected and maintained and enhanced with water quality. The City also seeks to reduce air pollution and maintain air quality standards.

To implement policies, the Plan discusses program administration and development and lists tools and fiscal considerations. The City has a Development ordinance setting standards for development and land use regulations; Capital Improvement Program (CIP) to fiscally plan for replacement of infrastructure.

Commissioner Proud opened the public hearing, requesting that comments be limited to five minutes.

Mr. Louis Lange, 1384 Rambler Road, Roseville, stated that he owns plat No. 26-30-23-33-

0033, located on the northwest corner of Lexington and County Road E. His land is approximately 4.25 acres. He opposes the proposed rezoning of his property. He has been paying light industrial taxes since 1961, and now it is recommended to be devaluated for water retention. The water was put there when Lexington was improved. There was no water on the property when he purchased it. The water problem was created by the county and the City. He requested that the City take responsibility to purchase his property at the value of light industrial property similar to PaR Systems and the County property at Rice. When he found a developer and proposed development, it was denied. He is seeking a lawyer on September 15, to see what can be done on his behalf. The County is working with him for a proper valuation of the property. He is incurring added costs to protect his rights because of the proposed rezoning. It is his hope that the City will negotiate and purchase his property.

Mr. Todd Sharkey, 1003 5th Street North, Stillwater, spoke on behalf of Mr. Lange. He had contacted the DNR and Rice Creek Watershed District regarding Mr. Lange's property. In 1979, Mr. Lange took a grade and fill permit and referred to a number of documents that indicated the history of water on the property and the fact that it was determined that the property is a drainage area, and the permit was denied.

Acting Chair Proud requested that comments be restricted to the proposed Comprehensive Plan.

Ms. Nordine noted that no rezoning is being proposed. What is proposed in the Plan are land use designations, which guide how property may be used in the future. Zoning designations are different and address how land may be used today and establish standards for those uses. The 2000 Comprehensive Plan designated Mr. Lange's property as recreation/open space. The 2008 Plan designates the property as recreation/open space/natural. While some development may be possible, there are natural constraints.

Commissioner Schumer asked the meaning of adding "natural" to the designation of Mr. Lang's property. Ms. Nordine explained that "natural" recognizes that the property has sensitive natural features but may have development potential.

Mr. Vern Hahn, 1072 Island Lake Avenue, stated that his property is adjacent to Mr. Lange's. There has been one year that Mr. Lang's property could be walked without being in water. His children used to canoe on the pond. Shoreview is becoming a City of baby boomers and aging people. He would like to see the City promote growth with young families to rejuvenate the City. The location is convenient to reaching Minneapolis or St. Paul and there is easy access to the City. Shoreview has wonderful schools, nearby churches and parks. Homes in Shoreview are not starter homes or huge homes, but they are beautiful. The City has a great deal going for it, and services should not only be for aging people.

Mr. Lange stated that he continues to pay light industrial taxes on his property. When the county improved Lexington and took right-of-way, he did not sign off on that taking. When Cub came in, he found out that the store would not be built if there would be development on his

property. Natural means that the property is worthless and trees cannot even be cut.

Commissioner Wenner suggested that discussion should address changes in the proposed Comprehensive Plan from the last Comprehensive Plan.

Mr. Sharkey noted the extension of Oakridge Avenue has been changed to a private street extension on the transportation map. He asked the reason for this change. His understanding is that a private street can only be done under a Planned Unit Development (PUD). He is negotiating purchase of his parents' property, and if this road extension is changed to private, it could change his plans substantially. He objects strongly to changing a future extension of Oakridge Avenue to private without a PUD and public notice for neighborhood input.

Mr. John Sharkey, 4965 Hanson Road, stated that he also objects to the Oakridge Avenue road easement designation change from public to private. He stated that he is in litigation with the City and this matter is related to that litigation.

There being no further public comment, Acting Chair Proud stated that the public hearing would be continued to the September 23, 2008 Planning Commission meeting, when a recommendation will be forwarded to the City Council.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to hold the public hearing open regarding the *2008 Comprehensive Plan* to the September 23, 2008 Planning Commission meeting thereby providing a one-month comment period for members of the general public to respond and comment on the *Plan*.

ROLL CALL: Ayes - 5 Nays - 0

MISCELLANEOUS

City Council Meetings

Acting Chair Proud noted that he and Commissioner Schumer are respectively scheduled to attend the City Council meetings of September 2nd and September 15th.

Signage - Exxon Station - 3854 Lexington Avenue

Ms. Nordine stated that this information is included as a discussion item at Commissioner Mons' request. Included is a copy of the City Council action letter from 1999 regarding the comprehensive sign plan for this site. Condition No. 1 which addresses the electronic reader board use as restricted to gas prices, information on car wash prices, waiting time for the car wash and open and closed status. The City is in the process of meeting with the property owner

to discuss non-compliance issues.

Acting Chair Proud requested that this matter be kept on the agenda for a further update report at the next Planning Commission meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer , seconded by Commissioner Ferrington to adjourn the August 26, 2008 Planning Commission meeting at 10:08 p.m.

ROLL CALL: Ayes - 5 Nays - 0

ATTEST:

Kathleen Nordine
City Planner